CODE ENFORCEMENT BOARD

A meeting of the Indian River County (IRC) Code Enforcement Board (the Board) was held in the Commission Chambers at the County Administration Building, 1801 27th Street, Building "A", Vero Beach, Florida on Monday, June 22, 2009 at 1:30 p.m.

Present were Chairman **Karl Zimmermann**, Realtor Appointee; **Joe Petrulak**, Subcontractor Appointee; **Joe Garone**, General Contractor Appointee**; John Owens**, Engineer Appointee; **Keith Hedin**, Businessman Appointee and **Dana Stetser**, Architect Appointee.

Absent was **Cliff Suthard**, Member-at-Large Appointee (excused).

Also in attendance was IRC staff: Roland DeBlois, Environmental and Code Enforcement Chief; Don Wixon, Code Enforcement Coordinator; Betty Davis, Vanessa Carter Solomon, Kelly Zedek and Rose Jefferson, Code Enforcement Officers. Others present: Attorney Suzanne Vitunac, Attorney for the Board and Reta Smith, Recording Secretary.

12:38:06 **Call to Order**

Chairman Zimmermann called the meeting to order and the secretary called the roll, establishing that a quorum was present.

12:38:39 **Approval of Minutes of May 18, 2009**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve the minutes of May 18, 2009 as presented.

12:39:05 **Attorney's Overview of Board Purpose and Procedures**

Attorney Vitunac gave a brief overview of the procedures and purpose of the Code Enforcement Board.

12:42:58 **Agenda Additions or Deletions, Consent Items**

Mr. Don Wixon, Code Enforcement Coordinator, reported the following cases

had either complied, been rescheduled, or were recommended by staff for an extension of time on the Consent Agenda. Cases #2008100001; #2008030056; #2009010008; #2008080068; #2008110119; #2009030114; #2009030252; #2009030184; #2009040082; #208090011; #2009030256; #2008100063 and #2009030034 - 30 day extension until July 24, 2009. Cases #2009010130; #2008100271; #2007050048 and #2008090130 - 60 day extension until August 21, 2009. Cases #2009030128; 2009040173; #2009040066; 2009040162; #2009040051; #2008120163; #2009050058; #2009030072 and #2009060028 were rescheduled.

In compliance were Cases #2009040157; #2009040176; #2009040054; #2009040056; #2009040040; #2009020188; #2009040126; #2009030186; #2009040101; #2009030233; #2009040198; #2009050032; #2009050033; #2009050037; #2009050085; #2009050052; #2009050010; #2009050011; #2009050013; #2009050054; #2009050074; #2009020020; #2009010043; #2009050088; #2009030052; #2009020052; #2008080039; #2009040017 and #2009030006.

Mr. Wixon requested the Board hear Case #2006110064, Christopher N. Kirrie, at a time certain of 3:00 p.m.

12:52:48
ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to accept the Consent Agenda with the revisions.

Chairman Zimmermann advised if anyone present had heard their name or case number called for a Consent item and wanted their case to be heard, they should get with their Code Enforcement Officer and the Board would accommodate their request.

12:53:22 **Swearing in of Those Who Will Testify**

The secretary proceeded to administer the testimonial oath to everyone who would be testifying at today's hearings.

12:54:14 **Case #2009040041 – Puget of Texas**

Ms. Betty Davis, IRC Code Enforcement Officer, advised this Evidentiary hearing involved dead trees and shrubs on a property in the State Road 60 Corridor,

and submitted photographs into evidence, which are on file in the Commission Office.

Mr. Al Knight, representing Walgreen Corporation (12:56:53), stated he had contracted with a landscaper to take care of anything that needed to be done on the site. Mr. Wixon recommended an extension of 30 days, until July 24, 2009, for compliance.

12:57:27
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

12:57:40 **Case #2009040042 – Dayton Hudson Corp. #T-1050 (Target)**

Inspector Davis submitted a photograph into evidence, which is on file in the Commission Office, and described dead landscape at the Target store on State Road 60.

Respondent Brad Scott, Target District Facility Manager (12:59:43), confirmed one palm tree had been replaced and the shrubs had been watered and fertilized. He felt the shrubs should come back within 30 days and said he would replace them if they had not flourished by then.

Mr. Wixon recommended an extension of 30 days, until July 24, 2009, for compliance.

1:01:00
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

1:01:12 **Case #2009040048 – McDonald's Corporation**

Mr. Wixon related this Evidentiary hearing involved site plan nonconformance and landscape maintenance violations. Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She noted a lot of progress

had been made but there were still several dead trees on the site and the Respondent had planted a palm tree in the right-of-way.

Mr. Ronald Wood, Restaurant Manager (1:03:06), wanted to meet with Inspector Davis on the site and asked for an extension of time to finalize the issues. Mr. Wixon recommended an extension of 30 days, until July 24, 2009, for compliance.

1:03:33
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

1:04:32 **Case #2009040020 – Richard Medler**

Ms. Debbie Clifford, IRC Code Enforcement Officer, submitted a photograph into evidence, which is on file in the Commission Office, and described a junk vehicle and junk, trash and debris on the property.

The Respondent (1:06:38) asked for a 60 day extension to get rid of everything. Mr. Wixon recommended an extension of 60 days, until August 21, 2009, for compliance.

1:07:00
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

1:07:09 **Case #2009040084 – Kenneth W. Smith**

Ms. Rose Jefferson, IRC Code Enforcement Officer, testified she had inspected the site last weekend and there were two boats and trailers on the property. She submitted a photograph into evidence, which is on file in the Commission Office.

The Respondent (1:08:19) stated he had been trying to sell one of the boats,

but nobody seemed to be buying right now. Mr. Wixon recommended an extension of 60 days, until August 21, 2009, for the Respondent to either sell the extra boat or remove it from the site.

1:09:54
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

1:10:09 **Case #2009040138 – Henry R. Osowski**

Mr. Robert Moon, tenant on the property, came forth; however since there was no service on the owner of the property it was decided to reschedule this case.

1:11:16 **Case #2009040059 – Schmidt & Farrow & Funk Investments**

Mr. Wixon related this Evidentiary hearing involved occupancy of a building without a Certificate of Occupancy (CO) and junk, trash and debris. Ms. Rose Jefferson, IRC Code Enforcement Officer, submitted photographs and other information into evidence, which are on file in the Commission Office. She testified there were three items pending regarding the CO; however the dwelling was occupied and there was some construction debris on the site.

Respondent David Farrow (1:11:32) confirmed there was nobody living at the property at this time.

Discussion followed about whether or not the structure required a CO, and the Respondent was advised a separate CO was required for the building and he was required to pay solid waste impact fees and needed a roof permit and insulation certificate. Mr. Wixon recommended the Board grant an extension of 60 days, until August 21, 2009, for the Respondent to clear things up with the IRC Building Department and come into compliance.

1:26:15
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

1:26:35 **Case #2009030216 – Pamela Ann & Donald Mosley**

The Respondent testified he had removed his additional boat this morning and after considerable discussion, staff agreed to withdraw this case as complied.

1:32:38 **Case #2009030100 – James Bradley Jr.**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She confirmed the junk vehicles had been removed but there were still issues of an abandoned home and junk, trash and debris on the property.

The Respondent (1:33:02) stated all the junk was on County-owned property purchased for a road widening project, and he had contracted with a demolition company to tear down the structure.

1:35:39
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to find a violation for structure exterior maintenance and grant an extension of 30 days, until July 24, 2009, for compliance.

It is noted for the record the Respondent was present for this hearing.

1:35:55 **Case #2009050060 – George & Jacqueline Roberts**

Ms. Vanessa Carter Solomon, IRC Code Enforcement Officer, submitted photographs into evidence, which are on file in the Commission Office. She related the zoning district use violation was in compliance; however there was still some junk, trash and debris on the site. She recommended an extension of 30 days, until July 24, 2009, for compliance.

1:38:32
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was present for this hearing.

1:39:38 **Case #2009050079 – KRG Indian River LLC (Corporation Service Company)**

Mr. Wixon related this case involved landscape maintenance and site plan nonconformance violations. Inspector Davis submitted photographs into evidence, which are on file in the Commission Office, and described dead and missing landscape on the site.

Respondent Mr. Eugene Pulpo (1:41:39) said he had met with Inspector Davis and was working on remedying the problems. Mr. Wixon recommended an extension of 60 days, until August 21, 2009, for compliance.

1:42:21
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation. .

It is noted for the record the Respondent's representative was present for this hearing.

1:42:32 **Case #2009050084 – 6350 Shoppes LLC**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office, and advised this case had to do with landscape maintenance and site plan nonconformance violations.

Respondent Carlos Bolito of Sunflower Landscaping (1:44:11) stated the plants had already been fertilized and it was hoped everything would come back; however if it was necessary to replace landscaping they would do so. Mr. Wixon recommended an extension of 60 days, until August 21, 2009, for compliance.

1:44:37
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent's representative was present for this hearing.

1:46:46 **Case #2009050182 – Fernando Armijo**

Inspector Clifford submitted photographs into evidence, which are on file in the Commission Office, and stated this was a repeat violation of an Order dating back to 2005. She explained she had previously cited the Respondent for no mobile home set-up permit, and because the permit had been pulled Inspector Clifford had complied the case; however the Respondent had not followed through with the IRC Building Department to obtain the required final inspections. Inspector Clifford confirmed the Respondent could not get a final until the mobile home was hooked up to water and sewer and a Notice of Commencement was also needed before the permit expired in the middle of September, 2009.

Respondent Mrs. Amelia Armijo (1:53:12) said it was expensive to hook up to water and sewer and her husband was hurt and unable to work. She acknowledged the case had been going on for some time, but asked for more time because of the circumstances.

Discussion followed.

Mr. Wixon recommended an extension of 60 days, until August 21, 2009, for the Respondent to file a Notice of Commencement, obtain all required utility hookups, modify the structure as necessary, and obtain the final inspection.

1:57:21
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent’s wife was present for this hearing.

Chairman Zimmermann called a recess at 2:50 p.m. and reconvened the meeting at 3:01 p.m.

1:59:26 **Case #2006110064 – Christopher N. Kirrie**

Mr. Roland DeBlois, IRC Environmental and Code Enforcement Chief, explained this case had to do with a mezzanine structure built on to a grandfathered commercial business. He recapped the case had originally been to the Board in 2007 and two months ago it came back for clarification as to whether there was a distinction between site plan approval requirements versus an after-the-fact building

permit, and how those tied together. As a result of the April, 2009 meeting the Board had clarified the issue and granted a 60 day extension and staff had drafted an Order of Clarification, after which there had been discussion with the Respondent's attorney as to whether or not impact fees would be required in association with the after-the-fact building permit.

Mr. DeBlois distributed a copy of the Order Granting Extension and Clarifying Order Finding Violation, a copy of which is on file in the Commission Office, and reviewed it with the Board. He recommended the Board ratify the written Order and grant a further extension of 90 days, until September 25, 2009.

Chairman Zimmermann wondered why the Board was being asked to grant another extension for the Respondent to acquire a building permit when the case had been going on for years with numerous delays. Mr. DeBlois explained because the structure was built in the early 1990's it required engineers drawings, etc.

2:06:43
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

LIEN RELEASE REQUESTS

2:07:17 **Case #2008070258 – Modabi Homes of Florida City LLC**

Mr. DeBlois recalled the Evidentiary hearing on this case dated back to September 22, 2008 for overgrown weeds, and on November 24, 2008 the Board had entered an Order Imposing Fine. Inspector Carter Solomon confirmed the property was currently in compliance but there was a question of when compliance had been achieved.

Respondent Phil Zemen (2:10:02), representing the lender on the property, stated he had hired a landscaper to take care of the violation in March, 2009 as soon as he was aware of the lien.

Mr. DeBlois noted the start date for the fine was November 22, 2008 and assuming the property was mowed in mid-March, 2009, it would be approximately 120 days for a flat fine of $12,000. After some discussion he recommended the

Board reduce the fine to administrative costs in the amount of $1,800.

2:15:08
ON MOTION BY Mr. Owens, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent's representative was present for this hearing.

2:16:01 **Case #2008010015 – Kimberly Hubbard**

Mr. DeBlois summarized this was an overgrown weed violation that first came to the Board in July, 2008, and since there was no compliance the Order Imposing Fine had been entered with a start date of August 23, 2008. He confirmed the property had been brought into compliance on May 22, 2009, which was 272 days or a flat fine of $27,200. Mr. DeBlois related this was not the original respondent but a subsequent owner/banker who had taken action to clean up the site as soon as they had the opportunity. He noted since there was no Order Granting Extension the approximate administrative fee would be $1,500, which was his recommendation for the fine amount.

2:20:14
ON MOTION BY Mr. Owens, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record Respondent Mr. Dan Ryan, representing Deutsche Bank, was present for this hearing.

2:21:04 **Case #2007110117 – Choicie L. Williams**

Mr. DeBlois recapped the Respondent at the time the Order Finding Violation for overgrown weeds was initiated in January, 2008 was Ms. Choicie L. Williams, with one extension being granted and the fine being imposed by the Board effective March 22, 2008. Inspector Jefferson testified she had observed the property was in compliance on March 2, 2009, and based on this Mr. DeBlois concluded it was 345 days of noncompliance which translated to a flat fine of $34,500.

Ms. Tricia Gary, Norris & Company Realty, representing Deutsche Bank (2:24:18), said the property had foreclosed in the middle of January and she was

hired as the listing agent on March 13, 2009, at which time she looked at the property and it was in compliance. She added it was her belief as soon as Deutsche Bank took possession of the property they had brought it into compliance and the home was now under contract for $62,000.

Mr. DeBlois said he was not sure the bank was ever notified and recommended the Board acknowledge compliance and reduce the fine to $1,500.

2:27:25
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent's representative was present for this hearing.

2:28:40 **Case #2007090150 – Peter Lawrence Massimino**

Mr. DeBlois recalled the Board had entered an Order Finding Violation in January, 2008 for overgrown weeds, and after an extension of time a fine had been entered with a start date of March 22, 2008. He had recently verified the property came into compliance after six days and had advised the Respondent's representative the fine would be $600, which had been paid. Mr. DeBlois asked the Board to ratify an acknowledgement of compliance and set the fine at $600.

2:30:56
ON MOTION BY Mr. Petrulak, SECONDED BY Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

2:31:08 **Case #2008070122 – HSBC Bank USA National**

Mr. DeBlois related the Board had entered an Order Imposing Fine for overgrown weeds in October, 2008 against the original owners, Odalvis and Odalis Furones, and Fremont Investment and Loan because of foreclosure action. He advised staff had recently been contacted by attorneys for HSBC Bank who advised

there was a lis pendens and foreclosure process initiated before the Board entered its Order Imposing Fine, and the IRC Attorney's office had concluded HSBC Bank USA National had a superior legal right to the property. Mr. DeBlois recommended the Board rescind the fine and staff would recite the new owners of the property if there was a future violation.

2:33:49
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

2:34:02 **Case #2008070168 – Myriam Barreto**

Mr. DeBlois drew the Board's attention to a letter from the law firm of Shapiro & Fishman, LLP on page 419 in the backup on file in the Commission Office. He outlined a lien had been filed against the subject property at 419 21st Street S.W. and the attorneys were requesting a partial release of lien on another property owned by the same Respondent at 619 21st Street S.W., which had a sale pending.

Mr. DeBlois recommended the Board partially release the property at 619 21st Street S.W. from the lien.

Discussion ensued.

2:40:20
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

2:40:43 **Case #2008040137 – Myriam Barreto**

Mr. DeBlois said this was a similar circumstance on a different property involving the same respondent as the previous case, and the same attorney had asked for a partial release of lien on property at 619 21st Street S.W., which was not the site of the violation. He recommended the Board approve a partial release of lien for 619 21st Street S.W.

Chairman Zimmermann inquired if the overgrown weeds violation at 3355 2nd Street was in compliance at this time. Inspector Carter Solomon responded it was not in compliance. Mr. DeBlois noted the lien would remain attached to and continue against this and the previous property.

Lengthy discussion followed about the issue of partially releasing liens on properties affected by other cases.

2:56:23
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

2:56:45 **Case #2002050074 – William & Carole Jean Jordan**

Mr. DeBlois wanted to clarify the record on a case that had been appealed to the court and resolved some time ago. He reviewed information contained in the backup on file in the Commission Office, and recapped the Respondents had paid $2,400 to the County with the stipulation if they won the appeal they would get the money back, and if they did not win the appeal they would not get the money back.

Mr. DeBlois noted the Respondents did not win their appeal and the County kept the $2,400, but there was never an official release of the lien even though the Stipulation had been recorded. He recommended the Board authorize a recording of the Release of Lien in this case.

2:59:03
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

2:59:12 **Case #2008080135 – Sueann Gutierrez**

Mr. DeBlois related this had to do with an Order Imposing Fine for overgrown weeds entered by the Board with a start date of March 21, 2009. He stated the Order cited the Respondent Gutierrez and Wells Fargo Bank as the foreclosing bank; however attorneys for the bank had advised the property was still in foreclosure and the bank was not the legal owner. Mr. DeBlois reviewed the attorney's letter dated April 20, 2009 contained in the backup on file in the Commission Office, and recommended the Board release the bank from the Order but retain the Order against Respondent Gutierrez.

Chairman Zimmermann noted in some instances banks took the position that because they had not completed foreclosure they did not really control the property and therefore could not enter the site or hire someone to cut the lawn, while other banks brought properties into compliance. He felt some banks might be using an artificial defense to diffuse the fine and responsibility as long as possible, while other lenders took the opposite attitude.

Attorney Vitunac advised unless a bank had an Order of Foreclosure and Certificate of Title they were not actually a proper respondent; however a lot of times Code Enforcement staff did not know the circumstances and it was in a state of flux. She thought it was proper to include the banks on the notices, and the Board could take their cooperation into consideration when it came time to reduce the fine.

Discussion followed.

Mr. DeBlois confirmed the subject property was not in compliance, and recommended the Board take no action at this time.

It is noted for the record the Respondent was not present for this hearing.

3:10:34 **Case #2009040067 – Steve & Teresa Arnold**

Inspector Davis stated she had not received service on this case.

3:12:38 **Case #2009040137 – Mark & Rebecca Lawrentz**

Inspector Carter Solomon advised she had no service on this case.

3:12:49 **Case #2009040163 – Isabel & Laurie Rodriquez**

Inspector Carter Solomon confirmed there was not service on this case.

3:12:56 **Case #2009030076 – Barnett Bank of Indian River County**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office, and described landscape maintenance and site plan nonconformance violations on property in the State Road 60 Corridor. She said she had met with the Respondent's landscape contractor and they had asked for an extension of 30 days.

3:13:44
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to find a violation and grant an extension of 30 days, until July 24, 2009, for compliance.

It is noted for the record the Respondent was not present for this hearing.

3:14:00 **Case #2009030147 – Willie Lockhart**

Inspector Carter Solomon submitted photographs into evidence, which are on file in the Commission Office, and described junk vehicles, junk, trash and debris and no building permit for a shed on the property. Mr. Wixon recommended an extension of 60 days, until August 21, 2009, for compliance.

3:24:58
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:15:08 **Case #2009040013 – George Blanton, Jr.**

Inspector Carter Solomon submitted an Affidavit of Service dated June 12, 2009 and photographs into evidence, which are on file in the Commission Office.

She confirmed the property was in compliance as of today; however she wanted a Continuing Order because she had cited the Respondent 11 times since 2002 for overgrown weeds and junk, trash and debris on a vacant lot owned by him.

3:15:48
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:16:05 **Case #2009040060 – Quillie Joe & Julia Hazellief**

Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and pointed out overgrown weeds on a vacant lot.

3:16:21
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant an extension of 30 days, until July 24, 2009, for compliance.

It is noted for the record the Respondent was not present for this hearing.

3:16:39 **Case #2009030218 – Jerry Oresky**

Inspector Carter Solomon submitted an Affidavit of Service dated June 12, 2009 and photographs into evidence, which are on file in the Commission Office. She described structure exterior maintenance, trailer storage and junk, trash and debris violations on the property and recommended the Board grant an extension of 60 days, until August 21, 2009, for compliance.

3:17:36
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:17:46 **Case #2009050017 – Lots of Indian River LLC**

Inspector Davis advised there was no service on this case.

3:17:53 **Case #209050020 – McNab & McNab "V" Inc. (Sonny's BBQ)**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office, and described landscape maintenance violations on the property.

3:1:26
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to grant an extension of 30 days, until July 24, 2009, for compliance.

It is noted for the record the Respondent was not present for this hearing.

3:18:36 **Case #2009050049 – John & Amanda Missio**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office. She testified there was an accumulation of junk, trash and debris and boat/trailer storage violations on the property, and recommended an extension of 30 days, until July 24, 2009, for compliance.

3:19:10
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation. .

It is noted for the record the Respondent was not present for this hearing.

3:1:24 **Case #2009050078 – DAF & TAF LLC (Aaron's Furniture NRAI Services)**

Inspector Davis submitted photographs into evidence, which are on file in the Commission Office, and confirmed this was an issue of landscape maintenance and site plan nonconformance. She recommended an extension of 30 days, until July 24, 2009, for compliance.

3:20:00
ON MOTION BY Mr. Hedin, SECONDED BY Mr.

Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:20:10 **Case #2009050106 – Gardens at River Grove HOA Inc.**

Inspector Davis advised she had not received service on this case.

3:20:26 **Case #2009030003 – Livingston Rolle**

Inspector Zedek submitted an Affidavit of Service dated June 1, 2009 and photographs into evidence, which are on file in the Commission Office. She testified the Respondent was continually storing commercial vehicles and boat trailers on the property, along with junk, trash and debris. Mr. Wixon recommended an extension of 30 days, until July 24, 2009, for compliance.

3:21:16
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:21:23 **Case #200810264 – Equity One (Southpoint) Inc.**

Mr. Wixon related this Compliance hearing involved site plan nonconformance and landscape maintenance violations, and on March 23, 2j009 the Board had granted the Respondent 90 days to come into compliance. Inspector Jefferson submitted photographs into evidence, which are on file in the Commission Office, and stated she had not had contact with the Respondent since March, 2009 and the violations had not been resolved. Mr. Wixon recommended the fine be imposed.

3:23:29
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:24:21 **Case #2009020019 – Maria Martinez**

Mr. Wixon advised this case had first been to the Board on March 23, 2009 when the Respondent was granted 30 days to obtain current registration for a junk vehicle, with subsequent extensions being granted. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and said nothing had been done. Mr. Wixon recommended the fine be imposed.

3:25:38
ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Hedin, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:25:53 **Case #2009030032 – Chase Home Finance (Bryan Chesser)**

Mr. Wixon related this case had originally come before the Board on May 18, 2009 for overgrown weeds. Inspector Clifford testified she had inspected the property this morning and the yard had not been mowed. Mr. Wixon recommended the Board impose the fine.

3:27:27
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Petrulak, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:27:43 **Case #2009020201 – Fatima Johnson**

Mr. Wixon explained this case involved no building permit for modification of the main structure without permits, and had first been heard by the Board on March 23, 2009, with an extension of time subsequently being granted. Inspector Davis testified there had been no inspections done on a permit pulled for stucco, windows and doors; however there was also a room addition to the building that did not have a permit. Mr. Wixon recommended the fine be imposed.

3:30:20
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Owens,

the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:30:33 **Case #2008100113 – Margaret & Lucien LePage (National City Bank)**

Mr. Wixon recapped this case had first come to the Board on February 23, 2009 for an overgrown weeds violation, with additional extensions since that time. Inspector Jefferson submitted a photograph into evidence, which is on file in the Commission Office, and stated nothing had been done. Mr. Wixon recommended the fine be imposed.

3:31:27
ON MOTION BY Mr. Hedin, SECONDED BY Mr. Garone, the Board voted unanimously (6-0) to approve staff's recommendation.

It is noted for the record the Respondent was not present for this hearing.

3:31:49 **Authorization for Notices to Appear**

ON MOTION BY Mr. Petrulak, SECONDED BY Mr. Owens, the Board voted unanimously (6-0) to Authorize Notices to Appear for July, 2009.

There being no further business, the meeting was adjourned at 4:35 p.m.